

person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this chapter or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate judge may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants, in all such cases.

(Pub. L. 92-195, § 8, Dec. 15, 1971, 85 Stat. 650; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

CHANGE OF NAME

“United States magistrate judge” and “magistrate judge” substituted for “United States magistrate” and “magistrate”, respectively, in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 1338a. Transportation of captured animals; procedures and prohibitions applicable

In administering this chapter, the Secretary may use or contract for the use of helicopters or, for the purpose of transporting captured animals, motor vehicles. Such use shall be undertaken only after a public hearing and under the direct supervision of the Secretary or of a duly authorized official or employee of the Department. The provisions of section 47(a) of title 18 shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

(Pub. L. 92-195, § 9, as added Pub. L. 94-579, title IV, § 404, Oct. 21, 1976, 90 Stat. 2775.)

§ 1339. Limitation of authority

Nothing in this chapter shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

(Pub. L. 92-195, § 10, formerly § 9, Dec. 15, 1971, 85 Stat. 651, renumbered Pub. L. 94-579, title IV, § 404, Oct. 21, 1976, 90 Stat. 2775.)

§ 1340. Joint report to Congress; consultation and coordination of implementation, enforcement, and departmental activities; studies

After the expiration of thirty calendar months following December 15, 1971, and every twenty-four calendar months thereafter, the Secretaries of the Interior and Agriculture will submit to Congress a joint report on the administration of this chapter, including a summary of enforcement and/or other actions taken thereunder, costs, and such recommendations for legislative or other actions as he might deem appropriate.

The Secretary of the Interior and the Secretary of Agriculture shall consult with respect to the implementation and enforcement of this chapter and to the maximum feasible extent coordinate the activities of their respective departments and in the implementation and enforcement of this chapter. The Secretaries are authorized and directed to undertake those studies of the habits of wild free-roaming horses

and burros that they may deem necessary in order to carry out the provisions of this chapter.

(Pub. L. 92-195, § 11, formerly § 10, Dec. 15, 1971, 85 Stat. 651, renumbered Pub. L. 94-579, title IV, § 404, Oct. 21, 1976, 90 Stat. 2775.)

CHAPTER 31—MARINE MAMMAL PROTECTION

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1543, 1853, 2407, 2408, 3125 of this title; title 10 section 7524.

SUBCHAPTER I—GENERALLY

§ 1361. Congressional findings and declaration of policy

The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population. Further measures should be immediately taken to replenish any species or population stock which has already diminished below that population. In particular, efforts should be made to protect essential habitats, including the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions;

(3) there is inadequate knowledge of the ecology and population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;